

PATENT COOPERATION TREATY
PCT

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY
 (Chapter II of the Patent Cooperation Treaty)

(PCT Article 36 and Rule 70)

Applicant's or agent's file reference p802666/WO/1	FOR FURTHER ACTION	See Form PCT/IPEA/416
International application No. PCT/EP2004/012832	International filing date (<i>day/month/year</i>) 12.11.2004	Priority date (<i>day/month/year</i>) 11.12.2003
International Patent Classification (IPC) or national classification and IPC B62D33/06, B62D33/063, B62D21/15		
Applicant DAIMLERCHRYSLER AG		

1. This report is the international preliminary examination report, established by this International Preliminary Examining Authority under Article 35 and transmitted to the applicant according to Article 36.
2. This REPORT consists of a total of 5 sheets, including this cover sheet.
3. This report is also accompanied by ANNEXES, comprising:
a. <input checked="" type="checkbox"/> (<i>sent to the applicant and to the International Bureau</i>) a total of 5 sheets, as follows: <input checked="" type="checkbox"/> sheets of the description, claims and/or drawings which have been amended and are the basis for this report and/or sheets containing rectifications authorized by this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions). <input type="checkbox"/> sheets which supersede earlier sheets, but which this Authority considers contain an amendment that goes beyond the disclosure in the international application as filed, as indicated in item 4 of Box No. I and the Supplemental Box.
b. <input type="checkbox"/> (<i>sent to the International Bureau only</i>) a total of (indicate type and number of electronic carrier(s)) _____, containing a sequence listing and/or tables related thereto, in computer readable form only, as indicated in the Supplemental Box Relating to Sequence Listing (see Section 802 of the Administrative Instructions).

4. This report contains indications relating to the following items:
<input checked="" type="checkbox"/> Box No. I Basis of the report <input type="checkbox"/> Box No. II Priority <input type="checkbox"/> Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability <input type="checkbox"/> Box No. IV Lack of unity of invention <input checked="" type="checkbox"/> Box No. V Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement <input type="checkbox"/> Box No. VI Certain documents cited <input type="checkbox"/> Box No. VII Certain defects in the international application <input checked="" type="checkbox"/> Box No. VIII Certain observations on the international application

Date of submission of the demand	Date of completion of this report
Name and mailing address of the IPEA/EP	Authorized officer
Facsimile No.	Telephone No.

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

International application No.
PCT/EP2004/012832

Box No. I Basis of the report

1. With regard to the **language**, this report is based on the international application in the language in which it was filed, unless otherwise indicated under this item.

This report is based on translations from the original language into the following language _____, which is the language of a translation furnished for the purposes of:

 - international search (Rule 12.3 and 23.1(b))
 - publication of the international application (Rule 12.4)
 - international preliminary examination (Rule 55.2 and/or 55.3)
2. With regard to the **elements** of the international application, this report is based on (*replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report*):

the international application as originally filed/furnished
 the description:
 pages 1, 4-9 as originally filed/furnished
 pages* 2, 3, 3a received by this Authority on /filed with the demand
 pages* _____ received by this Authority on _____
 the claims:
 nos. _____ as originally filed/furnished
 nos.* _____ as amended (together with any statement) under Article 19
 nos.* 1-10 received by this Authority on /filed with the demand
 nos.* _____ received by this Authority on _____
 the drawings:
 sheets 1/3-3/3 as originally filed/furnished
 sheets* _____ received by this Authority on _____
 sheets* _____ received by this Authority on _____
 a sequence listing and/or any related table(s) – see Supplemental Box Relating to Sequence Listing.
3. The amendments have resulted in the cancellation of:

the description, pages _____
 the claims, nos. _____
 the drawings, sheets/figs _____
 the sequence listing (*specify*): _____
 any table(s) related to sequence listing (*specify*): _____
4. This report has been established as if (some of) the amendments annexed to this report and listed below had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)).

the description, pages _____
 the claims, nos. _____
 the drawings, sheets/figs _____
 the sequence listing (*specify*): _____
 any table(s) related to sequence listing (*specify*): _____

* If item 4 applies, some or all of those sheets may be marked "superseded."

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

Box No. V	International application No. PCT/EP2004/012832
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Box No. V	Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
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1. Statement

Novelty (N)	Claims <u>1–10</u>	YES
	Claims _____	NO
Inventive step (IS)	Claims <u>1–10</u>	YES
	Claims _____	NO
Industrial applicability (IA)	Claims <u>1–10</u>	YES
	Claims _____	NO

2. Citations and explanations (Rule 70.7)

This report makes reference to the following document(s) :

D1: DE2853621A

D2: US6520565A

D3: EP1164073A

D1 and D2 are regarded as the prior art closest to the subject matter of claim 1.

D1 discloses (the reference signs in parentheses refer to D1) :

a driver's cab supporting structure for a utility vehicle, a safety cell being arranged in a driver's cab (3) with a front area and a rear side facing the cargo hold, and a sitting area (1) being surrounded by a rigid safety cell (4) to which a deformation area (8) for absorbing deformation energy connects between the sitting area (1) and the cargo hold.

D2 likewise discloses (the reference signs in parentheses refer to D2) :

a driver's cab supporting structure for a

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PCT/EP2004/012832**Box No. V** **Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement**

utility vehicle, a safety cell being arranged in a driver's cab (3) with a front area and a rear side facing the cargo hold, and a sitting area being surrounded by a rigid safety cell (4) to which a deformation area (5; cf. column 4, lines 28-32) for absorbing deformation energy connects between the sitting area and the cargo hold.

The subject matter of claim 1 differs from these known structures in that the safety cell is cage-like and a portion of the longitudinal support behind the sitting area is embodied as a deformation area.

The first feature can be rendered obvious by the prior art, because a person skilled in the art already knows that a cage-like structure for a safety cell is advantageous, since, in the event of a collision, it largely maintains its original shape (cf. D3, for example).

In contrast, the second feature is not rendered obvious by the prior art, because none of the cited documents shows a longitudinal support with a deformation area.

Claims 2-10 are dependent on claim 1 and therefore likewise meet the PCT requirements for novelty and inventive step.

Box No. VIII Certain observations on the international application

The following observations on the clarity of the claims, description, and drawings or on the question whether the claims are fully supported by the description, are made:

Claim 1 lacks clarity because the longitudinal support mentioned in the characterizing part is not defined. Therefore it cannot be determined whether this longitudinal support belongs to the safety cell or whether it is part of the utility vehicle chassis. In order for the longitudinal support to fulfill its function, the driver's cab support structure has to have the following features that are essential for the definition of the invention:

- the driver's cab is positioned on a driver's cab support surface and
- the safety cell is embodied such that the longitudinal support is displaceable in relation to a vehicle frame.

Since independent claim 1 does not contain these features, it does not meet the requirements of PCT Article 6 in conjunction with PCT Rule 6.3(b) that every independent claim shall contain all of the technical features essential for the definition of the invention. The features should be placed in the preamble of claim 1, since they are known from D2.